

## Exhibit Q

U.S. Patent No. 6,873,630			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
3, 30, 32, 45, 56, 62, 74	"media access control module"	<p><b>PROPOSED CONSTRUCTION:</b> A module at the Media Access Control (MAC) sublayer of the IEEE 802 standard that serves as an intermediary between a physical layer and higher network protocol layers and sends and receives Ethernet packets.</p> <p><b>INTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>See Abstract; Figs. 1-2, 3A-3B; 2:36-41; 4:61-65; 5:33-47; 6:3-28; 6:54-63; 8:22-42; 11:41-48.</li> </ul> <p><b>EXTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>See Layered Protocols, <a href="http://docs.sun.com/app/docs/doc/805-4041/6j3r8iu2e?l=en&amp;a=view&amp;q=layered+protocols">http://docs.sun.com/app/docs/doc/805-4041/6j3r8iu2e?l=en&amp;a=view&amp;q=layered+protocols</a>.</li> <li>See How the TCP/IP Protocols Handle Data Communications, <a href="http://docs.sun.com/app/docs/doc/816-4554/ipov-29?l=en&amp;a=view">http://docs.sun.com/app/docs/doc/816-4554/ipov-29?l=en&amp;a=view</a>.</li> <li>Peter Dyson, <u>Dictionary of Networking</u> (1994): <b>media access control</b> Abbreviated MAC. The lower component of the data link layer that governs access to the transmission medium. The logical link control layer is the upper component of the data link layer. MAC is used in CSM/CD and token-ring LANs as well as in other types of networks. (A diagram is included showing the position of the MAC layer).</li> </ul>	<p><b>PROPOSED CONSTRUCTION:</b> "a module at the Media Access Control (MAC) sublayer of the IEEE 802 standard that serves as an intermediary between a physical layer and higher network protocol layers and sends and receives Ethernet packets"</p> <p><b>EVIDENCE:</b></p> <ul style="list-style-type: none"> <li>'630 Patent, Abstract; Col. 2:36-44; Col. 2:64-3:9; Col. 4:29-39; Col.4:61-65; Col.5:33-43; Col. 5:48-51; Col. 5:54-6:20; Col. 6:29-31; Col. 6:46-49; Col. 6:54-63; Col. 8:13-19; Col.8:22-29; Col. 8:33-42; Col. 9:24-28; Col. 9:45-55; Col. 10:6-8; Col.10:32-39; Col.10:57-11:5; Col.11:24-27; Col.11:40-49; Col.12:30-34; Col.12:49-53; Col.13:8-13; Col.13:15-20; Col.13:31-34; Col.14:9-12; Col.14:19-24; Col. 15:8-28; Col. 18:35-55; Col.18:62-67; Col. 20:35-55; Col. 22:7-12; Col. 22:51-23:9; Col. 25:38-46; Figs. 1, 2, 3A-B, and accompanying text.</li> <li>'630 Patent Prosecution History, Office Action of Dec. 4, 2002, and references cited therein.</li> <li>'630 Patent Prosecution History, Submission filed on or about Feb. 10, 2003, and references cited therein.</li> <li>'630 Patent Prosecution History, Office Action of May 6, 2004, and references cited</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> <li>• Martin H. Weik, DSc., <u>Communications Standard Dictionary</u> (1989): <b>medium-access control sublayer</b>. In <i>OSI</i>, that part of the <i>data-link layer</i> that supports topology-dependent <i>functions</i> and uses the services of the <i>physical layer</i> to provide services to the <i>logical-link control sublayer</i>.</li> <li>• Mitch Tulloch and Ingrid Tulloch, Microsoft Encyclopedia of Networking 495, 746-47, 749 (2002).</li> <li>• Tony Acampora, An Introduction to Broadband Networks: LANs, MANs, ATM, B-ISDN, and Optical Networks for Integrated Multimedia Telecommunications, Plenum Press, 28-29 (1994).</li> <li>• See U.S. Pat. No. 5,784,559; U.S. Pat. No. 5,940,401; U.S. Pat. No. 6,049,528.</li> <li>• Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>therein.</p> <ul style="list-style-type: none"> <li>• '630 Patent Prosecution History, Submission filed on or about Jun. 14, 2004, and references cited therein.</li> <li>• <b>media access control</b>: See IEEE 802 standards. MICROSOFT PRESS COMPUTER DICTIONARY, 3rd Ed. (1997) p. 301.</li> <li>• <b>IEEE 802 standards</b>: A set of standards developed by the IEEE to define methods of access and control on local area networks. The IEEE 802 standards correspond to the physical and data-link layers of the ISO Open Systems Interconnection model, but they divide the data-link layers into two sublayers. The logical link control (LLC) sublayer applies to all IEEE 802 standards and covers station-to-station connections, generation of message frames, and error control. The media access control (MAC) sublayer, dealing with network access and collision detection, differs from one IEEE 802 standard to another: IEEE 802.3 is used for bus networks that use CSMA/CD, both broadband and baseband, and the baseband version is based on the Ethernet standard. . . . MICROSOFT PRESS COMPUTER DICTIONARY, 3rd Ed. (1997) p. 244.</li> <li>• Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			context of its use in the '630 patent. <ul style="list-style-type: none"> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
3, 30-32, 45, 62, 74	"distribution module"/"distributor"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> A module that divides across multiple logical channels an Ethernet frame received from a MAC module.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 2:36-42; 4:55-65; 5:10-11; 5:36-46; 6:46-53; 9:24-33; 6:14-15; 6:17-20; 6:39-45; 7:12-15; 7:35-40; 8:23-32; 10:9-16; 11:1-5; 12:49-53; 11:41-51; 11:60-62; 12:56-59; 13:17-20; 13:31-34; Figs. 1-3A, 5A-5D and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean:  "a module, comprising one or more separate elements, that operates to divide or apportion across multiple logical channels an Ethernet frame (i.e. packet) received from a MAC module."</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '630 Patent, Abstract; Col. 1:41-53; Col. 2:64-3:17; Col. 4:26-47; Col. 4:55-5:17; Col. 5:33-47; Col. 6:14-28; Col. 6:38-53; Col. 7:7-53; Col. 8:22-32; Col. 9:12-44; Col. 9:64-10:53; Col. 10:66-11:15; Col. 11:24-51; Col. 11:60-62; Col. 12:42-13:2; Col. 13:14-38; Col. 15:8-28; Col. 18:35-67; Col. 20:35-55; Col. 22:51-23:9; Col. 25:38-47; Figs. 1, 2, 3A-B, 4, 5A-D, and accompanying text.</li> <li>• '630 Patent Prosecution History, Office Action of Dec. 4, 2002, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Feb. 10, 2003, and references cited therein.</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<ul style="list-style-type: none"> <li>• '630 Patent Prosecution History, Office Action of Jan. 12, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Feb. 13, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of May 6, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Jun. 14, 2004, and references cited therein.</li> <li>• Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
5, 30, 76, 105, 107  13, 14, 113, 114, 116, 117	<b>“encode said apportionment of communication elements into a series of a codes for transmission”/“encode packet bytes for transmission on a network medium”/“encode said ... subset of bytes”/“encoding [a] portion”</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Translating communication “elements” (as construed herein) at the physical layer to an alternate format to achieve more reliable transmission of the “element.”</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See Abstract; 4:66-5:10; 7:12-15; 7:41-59; 10:9-53; 10:57-60; 11:6-15; 11:24-40; 11:50-59; 11:63-12:2; 12:21-28; 13:50-53; 14:9-28; Figs. 1-2, 3A, 3B, 5A-5D and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Anthony Acampora may testify concerning</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean:</p> <p>“convert said apportionment of communication elements into a series of codes for transmission by changing their form / convert packet bytes by changing their form for transmission on a network medium / convert said . . . subset of bytes by changing their form / convert [a] portion by changing</p>

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		<p>the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</p> <ul style="list-style-type: none"> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>its form.”</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>'630 Patent, Abstract; Col. 2:64-3:17; Col. 4:31-39; Col. 5:18-24; Col. 7:41-53; Col. 10:8-65; Col. 11:24-12:3; Col. 13:14-25; Col. 13:47-53; Col. 14:8-28; Col. 15:32-39; Col. 16:23-32; Col. 18:35-55; Col. 25:51-58; Col. 28:34-44; Col. 28:57-67; Col. 29:41-50; Col. 29:57-66; Figs 1, 2, 3A-B, 5A-5D, and accompanying text.</li> <li>'630 Patent Prosecution History, Office Action of Dec. 4, 2002, and references cited therein.</li> <li>'630 Patent Prosecution History, Office Action of Jan. 12, 2004, and references cited therein.</li> <li>'630 Patent Prosecution History, Submission filed on or about Feb. 13, 2004, and references cited therein.</li> <li>'630 Patent Prosecution History, Office Action of May 6, 2004, and references cited therein.</li> <li>'630 Patent Prosecution History, Submission filed on or about Jun. 14, 2004, and references cited therein.</li> <li><b>encode:</b> 2. In programming, to put something into code, which involves changing the form. MICROSOFT PRESS COMPUTER DICTIONARY, 3rd Ed. (1997) p. 175.</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<ul style="list-style-type: none"> <li>● <b>encode</b>: to convert data by the use of a code in such a manner that reconversion to the original form is possible. IBM DICTIONARY OF COMPUTING, (1994), p. 235.</li> <li>● IEEE Standard. 802.3-2005, Figure 48-4 and accompanying text, which describes 8b/10b encoding.</li> <li>● Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>● Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>
3, 5, 12-15, 21-24, 45, 48, 50, 52-53, 73, 76, 89, 113-116,	<b>“portion [of a] communication”</b>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> The fraction or portion of a frame carried by one channel.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>● See 2:48-59; 5:48-53; 6:54-63; Figs. 2, 5A-5D and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>● Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>● NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>● '630 Patent, Col. 2:48-58; Col. 2:64-3:17; Col. 4:55-65; Col. 5:48-53; Col. 12:14-20; Col. 15:8-28; Col. 15:32-39; Col. 16:16-53; Col. 17:7-46; Col. 20:34-55; Col. 20:63-21:16; Col. 21:21-25; Col. 21:33-60; Col. 25:12-37; Col. 25:50-58; Col. 27:9-37; Col. 29:41-62; Figs 1, 2, 3A-B, and accompanying text.</li> <li>● '630 Patent Prosecution History, Office Action of Apr. 22, 2003, and references cited therein.</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<ul style="list-style-type: none"> <li>• '630 Patent Prosecution History, Submission filed on or about Jun. 13, 2003, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of Jan. 12, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Feb. 13, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of May 6, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Jun. 14, 2004, and references cited therein.</li> <li>• Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>
3, 5, 8, 13-15, 21-23, 45-48, 50, 52, 73, 76, 79, 89, 113, 114, 116, 117	"element [of a] communication"/"element [of a] communication portion"/"elements"/"element [of a] portion"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> A portion (e.g., a byte) of a "mini-frame" (as construed herein) that is individually encoded for transmission across one of a plurality of logical channels.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 6:64-7:6; 7:41-53; 8:43-55; Figs. 2, 5A-5D and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '630 Patent, Col. 3:1-3; Col. 5:66-7:6; Col. 7:41-53; Col. 15:8-28; Col. 15:32-39; Col. 15:55-59; Col. 16:23-53; Col. 17:7-39; Col. 20:35-21:17; Col. 21:21-25; Col. 21:33-55;</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<ul style="list-style-type: none"> <li>Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>Col. 25:12-37; Col. 25:50-58; Col. 26:6-14; Col. 27:9-37; Col. 29:41-50; Col. 29:58-67; Fig 2 and accompanying text.</p> <ul style="list-style-type: none"> <li>'630 Patent Prosecution History, Office Action of Dec. 4, 2002, and references cited therein.</li> <li>'630 Patent Prosecution History, Submission filed on or about Feb. 10, 2003, and references cited therein.</li> <li>'630 Patent Prosecution History, Office Action of Sept. 9, 2003, and references cited therein.</li> <li>'630 Patent Prosecution History, Submission filed on or about Oct. 9, 2003, and references cited therein.</li> <li>Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp.</li> </ul>
5, 76	"apportionment [of a] communication element"	<p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See Claims 5, 37, 66, 76.</li> </ul> <p><b><u>PROPOSED CONSTRUCTION:</u></b> A subset of communication "elements" (as construed herein).</p> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>'630 Patent, Col. 2:28-35; Col. 2:36-47; Col. 3:1-17; Col. 4:12-25; Col. 5:54-7:6; Col. 9:24-33; Col. 15:32-39; Col. 22:51-23:9; Col. 25:50-57; Fig 2, 5A-5D and</li> </ul>



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		<ul style="list-style-type: none"> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>accompanying text.</p> <ul style="list-style-type: none"> <li>Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>
62	"apportion contents of [a] frame"	<p><b>PROPOSED CONSTRUCTION:</b> To divide contents of an Ethernet frame received from a MAC module.</p> <p><b>INTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>See 6:46-53; 9:24-34; Figs. 2, 5A-5D and accompanying text.</li> </ul> <p><b>EXTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b>PROPOSED CONSTRUCTION:</b> Sun contends this phrase does not require construction because the phrase is clear on its face. However, if the Court decides the construe this phrase, the phrase should be construed to mean: "to divide contents of an Ethernet frame received from a MAC module"</p> <p><b>EVIDENCE:</b></p> <ul style="list-style-type: none"> <li>Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>
5, 30-31, 58, 76, 105, 107	"physical coding module"	<p><b>PROPOSED CONSTRUCTION:</b> A module that performs encoding and decoding of Ethernet frame elements at the physical layer.</p> <p><b>INTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>See 4:66-5:4; 5:5-9; 5:18-23; 5:43-46; 7:12-15; 7:41-53; 7:54-57; 8:13-19; 10:9-18; 11:27-39; 11:49-50; 11:51-52; 12:21-23; 12:35-42; 13:14-</li> </ul>	<p><b>PROPOSED CONSTRUCTION:</b> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a module that performs encoding or decoding of Ethernet frame elements at the</p>

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		<p>21; 13:30-33; 14: 9-18; Fig. 1, 2, 3A, 3B, 5A-5D and accompanying text.</p> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>physical layer.”</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '630 Patent, Abstract; Col. 2:64-3:17; Col. 4:31-47; Col. 4:66-5:32; Col. 7:7-26; Col. 7:41-53; Col. 10:8-65; Col. 11:24-12:3; Col. 12:21-28; Col. 13:14-25; Col. 13:47-53; Col. 14:8-28; Col. 15:32-39; Col. 16:23-32; Col. 18:35-55; Col. 25:51-58; Col. 28:34-44; Col. 28:57-67; Col. 29:41-50; Col. 29:57-66; Figs 1, 2, 3A-B, 5A-5D, and accompanying text.</li> <li>• '630 Patent Prosecution History, Office Action of Dec. 4, 2002, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of Jan. 12, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Feb. 13, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of May 6, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Jun. 14, 2004, and references cited therein.</li> <li>• <b>physical layer:</b> in the OSI Reference Model of computer network architecture, the last of seven layers, in which the data is transformed into the electrical signals appropriate for the specific type of physical</li> </ul>

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			<p>medium to which the computer is connected. WEBSTER'S NEW WORLD DICTIONARY OF COMPUTER TERMS, 8th ed. (2000), p. 412-413.</p> <p>• <b>physical layer:</b> 1. the OSI model defines Layer 1 as the Physical Layer and as including all electrical and mechanical aspects relating to the connection of a device to a transmission medium, such as the connection of a workstation to a LAN. Included at this layer are issues specific to the manner in which a device gains physical access to the medium and how it goes about putting bits on the wire or extracting bits from the wire. As the lowest level of network processing below the Link Layer, the Physical Layer deals with issues such as volts, amps and pin configurations and handshaking procedures. Communications hardware (NICs and MAUs) and software drivers are specified at the Physical Layer.</p> <p>2. The ATM Physical Layer (PHY) loosely corresponds with the OSI version. In the ATM world, Physical Layer functionality is discussed in terms of the Physical Medium sublayer (PM) and the Transmission Subvergence (TC) sublayer. The implementation of the ATM physical layer is addressed in the ATM Forum's UNI (User Network Interface) Specification.</p> <p>NEWTON'S TELECOM DICTIONARY:</p>

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			<p>THE OFFICIAL DICTIONARY OF TELECOMMUNICATIONS NETWORKING AND INTERNET, 17th ed. (2001), p. 529-30.</p> <ul style="list-style-type: none"> <li>• <b>physical layer:</b> the first, or lowest, of the seven layers in the International Organization for Standardization's Open Systems Interconnection (OSI) model for standardizing computer-to-computer communications. The physical layer is totally hardware oriented and deals with all aspects of establishing and maintaining a physical link between communicating computers. Among specifications covered on the physical layer are cabling, electrical signals, and mechanical connections. MICROSOFT PRESS COMPUTER DICTIONARY, 3rd Ed. (1997) p. 364.</li> <li>• Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>
8	"allotting elements of said communication"	<p><b>PROPOSED CONSTRUCTION:</b> Allocating "elements of a communication" (as construed herein) received from a "media access control module" (as construed herein).</p> <p><b>INTRINSIC EVIDENCE</b></p> <ul style="list-style-type: none"> <li>• See 6:64-7:3; 9:24-31; 9:34-39.</li> </ul>	<p><b>PROPOSED CONSTRUCTION:</b> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><b>EVIDENCE:</b></p> <ul style="list-style-type: none"> <li>• '630 Patent, Abstract; Col. 1:41-53; Col.</li> </ul>

U.S. Patent No. 6,873,630			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
		<p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>2:64-3:17; Col. 4:26-47; Col. 4:55-5:17; Col. 5:33-47; Col. 6:46-7:6; Col. 6:14-28; Col. 6:38-53; Col. 7:7-53; Col. 8:22-32; Col. 9:12-44; Col. 9:64-10:53; Col. 10:66-11:15; Col. 11:24-51; Col. 11:60-62; Col. 12:42-13:2; Col. 13:14-38; Col. 15:55-59; Figs. 1, 2, 3A-B, 4, 5A-D, and accompanying text.</p> <ul style="list-style-type: none"> <li>• '630 Patent Prosecution History, Office Action of Dec. 4, 2002, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Feb. 10, 2003, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of Sept. 9, 2003, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Oct. 9, 2003, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of Jan. 12, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Feb. 13, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Office Action of May 6, 2004, and references cited therein.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Jun. 14, 2004, and references cited therein.</li> </ul>

U.S. Patent No. 6,873,630			
Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
			<ul style="list-style-type: none"> <li>• Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>
15, 48	"collecting an element"	<p><b>PROPOSED CONSTRUCTION:</b> Receiving an "element of communication portion" (as construed herein).</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See 7:51-53; 9:45-55; 12:30-34; Fig. 3B and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b>PROPOSED CONSTRUCTION:</b> Sun contends this phrase does not require construction because the phrase is clear on its face.</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '630 Patent, Abstract; Col. 2:64-3:17; Col. 4:40-47; Col. 4:55-5:17; Col. 5:33-43; Col. 6:14-28; Col. 6:39-63; Col. 7:7-53; Col. 8:22-32; Col. 9:45-63; Col. 10:54-65; Col. 11:24-39; Col. 12:4-34; Col. 12:42-13:2; Col. 13:15-38; Col. 13:54-14:28; Col. 16:33-53; Col. 17:7-36; Col. 18:35-67; Col. 20:63-21:17; Col. 21:33-55; Col. 22:51-23:9; Figs 1, 2, 3A-B, 4, 5A-D, and accompanying text.</li> <li>• '630 Patent Prosecution History, Office Action of Dec. 4, 2002.</li> <li>• '630 Patent Prosecution History, Submission filed on or about Feb. 10, 2003.</li> <li>• Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
21, 22, 52, 62  30-32	"collection module"/"collector"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> A module that reassembles an Ethernet frame to be provided to a MAC layer.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>See Abstract; 4:61-65; 5:36-43; 6:41-45; 6:49-53; 6:54-56; 7:12-15; 7:35-40; 7:44-53; 9:45-55; 9:58-63; 10:54-56; 11:31-36; 12:5-13; 12:14-21; 12:22-29; 12:30-32; 12:49-53; 12:56-59; 13:31-34; 13:54-60; 13:66-14:1; 14:9-19; 14: 20-25; Fig. 1, 2, 3B, 4, and 5A-5D and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a module, comprising one or more separate elements, that collects data from multiple channels to reassemble a single data stream."</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>'630 Patent, Abstract; Col. 2:64-3:17; Col. 4:40-47; Col. 4:55-5:17; Col. 5:33-43; Col. 6:14-28; Col. 6:39-63; Col. 7:7-53; Col. 8:22-32; Col. 9:45-63; Col. 10:54-65; Col. 11:24-39; Col. 12:4-34; Col. 12:42-13:2; Col. 13:15-38; Col. 13:54-14:28; Col. 16:33-53; Col. 17:7-36; Col. 18:35-67; Col. 20:63-21:17; Col. 21:33-55; Col. 22:51-23:9; Figs 1, 2, 3A-B, 4, 5A-D, and accompanying text.</li> <li>'630 Patent Prosecution History, Office Action of Dec. 4, 2002, and references cited therein.</li> <li>'630 Patent Prosecution History, Submission filed on or about Feb. 10, 2003, and references cited therein.</li> <li>Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>Sun reserves the right to rely on any</li> </ul>

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Claim No(s).	Claim Term	NetApp's Proposed Construction and Supporting Evidence	Sun's Proposed Construction and Supporting Evidence
53, 56	"mini-frame"	<p><b><u>PROPOSED CONSTRUCTION:</u></b> A fraction or portion of a communication received from or sent to a media access control layer from a physical layer device and that is carried by one channel.</p> <p><b><u>INTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• See Abstract; 2:48-51; 5:48-53; 6:67-7:6; 7:51-53; 9:24-33; 9:48-57; 9:58-63; 9:64-66; 10:8-12; 10:21-35; 10:41-51; 10:65-11:15; 11:49-12:3; 12:21-40; 13:14-17; 13:47-48; 13:54-14:24; Fig. 1, 2, 3A, 3B, and 5A-5D and accompanying text.</li> </ul> <p><b><u>EXTRINSIC EVIDENCE</u></b></p> <ul style="list-style-type: none"> <li>• Jonar C. Nader, <i>Illustrated Dictionary of Computing</i> (1995) <b>frame</b> In IEEE terminology, the unit of data transferred at the OSI data link layer.</li> <li>• Mitch Tulloch and Ingrid Tulloch, <i>Microsoft Encyclopedia of Networking</i> 495 (2002).</li> <li>• Achille Pattavina, "Switching Theory: Architectures and Performance in Broadband ATM Networks, John Wiley &amp; Sons, 10-11 (1998).</li> <li>• Dr. Anthony Acampora may testify concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• NetApp reserves the right to rely on any evidence identified by Sun.</li> </ul>	<p>evidence identified by NetApp</p> <p><b><u>PROPOSED CONSTRUCTION:</u></b> Sun contends this term does not require construction because the term is clear on its face. However, if the Court decides the construe this term, the term should be construed to mean: "a fraction or portion of an Ethernet frame that is sent across one of multiple channels."</p> <p><b><u>EVIDENCE:</u></b></p> <ul style="list-style-type: none"> <li>• '630 Patent, Abstract; Col. 2:48-58; Col. 3:1-17; Col. 5:48-53; Col. 6:64-7:6; Col. 7:41-53; Col. 9:25-33; Col. 9:45-10:53; Col. 10:66-11:15; Col. 11:50-59; Col. 11:63-12:3; Col. 12:21-28; Col. 12:35-41; Col. 13:14-25; Col. 13:47-14:28; Col. 21:56-60; Col. 22:7-12; Figs 2, 3A-B, 5A-5D, and accompanying text.</li> <li>• Testimony by experts called by Sun, including Mr. Ennis, concerning the meaning of this term to one of skill in the art in the context of its use in the '630 patent.</li> <li>• Sun reserves the right to rely on any evidence identified by NetApp</li> </ul>